

The Honorable Jamal N. Whitehead

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

THE DUWAMISH TRIBE and CECILE  
HANSEN,

Plaintiffs,

v.

DEB HAALAND, BRYAN NEWLAND, US  
DEPARTMENT OF THE INTERIOR,  
BUREAU OF INDIAN AFFAIRS, OFFICE  
OF FEDERAL ACKNOWLEDGEMENT, and  
UNITED STATES OF AMERICA,

Defendants.

Case No. 22-cv-00633-JNW

**STIPULATED MOTION FOR  
EXTENSION AND ORDER**

NOTED ON MOTION CALENDAR:  
April 21, 2023

**STIPULATED MOTION**

In accordance with the Court's Order Granting in Part Plaintiffs' Motion to Complete the Administrative Record, Dkt. # 38 at 7, and pursuant to Local Civil Rules 7(j), 10(g), and 16(b)(6), Plaintiffs and Federal Defendants (collectively, the "Parties") respectfully request an extension of the current case schedule (Dkt. # 51).

On April 7, 2023, Plaintiffs notified Federal Defendants of potential deficiencies regarding the Administrative Record, namely potential deficiencies in the privilege log provided by

Defendants, in accordance with the operative deadline. *See* Dkt. # 51 at 2. Plaintiffs also proposed a brief extension of the current case schedule to provide Federal Defendants sufficient time to update and complete the privilege log. By April 12, Federal Defendants had provided the updated privilege logs. To provide Plaintiffs with sufficient time to review and address those updated privilege logs, the Parties stipulated to brief extensions of the current case schedule, including an extension of the deadlines for Plaintiffs to make specific objections regarding the Administrative Record (to April 19, 2023) and for Defendants to respond to that deadline (to May 3, 2023). For these reasons, good cause exists to extend the deadlines pursuant to Local Civil Rule 16(b)(6).

The Parties respectfully request to extend the current case schedule, as follows:

|  | <i><b>Current Deadline</b></i> | <i><b>Proposed Deadline</b></i>      |
|--|--------------------------------|--------------------------------------|
| Plaintiffs shall notify Defendants of any potential deficiencies regarding the Administrative Record         | April 7, 2023                  | <u><b>April 7 &amp; 19, 2023</b></u> |
| Defendants shall respond to Plaintiffs' notice   | April 14, 2023                 | <u><b>May 3, 2023</b></u>            |
| Parties shall meet and confer regarding Administrative Record  | April 21, 2023                 | <u><b>May 5, 2023</b></u>            |
| Deadline for Defendants to provide final response regarding potential Administrative Record deficiencies     | n/a                            | <u><b>May 10, 2023</b></u>           |
| Deadline for Plaintiffs to move for relief regarding the Administrative Record (LCR 7(d)(3) shall govern the | May 4, 2023                    | <u><b>May 17, 2023</b></u>           |

|                              |  |  |
|------------------------------|--|--|
| motion briefing<br>schedule) |  |  |
|------------------------------|--|--|

Considering the foregoing, the Parties respectfully move the Court to extend the case schedule. Pursuant to Local Civil Rule 10(g), at the close hereof is a proposed order granting this stipulated motion.

DATED this 21st day of April, 2023.

Respectfully Submitted,

K&L GATES LLP

By: s/ Bart J. Freedman

Bart J. Freedman, WSBA # 14187  
 Theodore J. Angelis, WSBA # 30300  
 J. Timothy Hobbs, WSBA # 42665  
 Benjamin A. Mayer, WSBA # 45700  
 Endre M. Szalay, WSBA # 53898  
 Shelby R. Stoner, WSBA # 52837  
 Natalie J. Reid, WSBA # 55745  
 Courtney A. Neufeld, WSBA # 60154  
 925 Fourth Avenue  
 Suite 2900  
 Seattle, Washington 98104-1158  
 Tel: +1 206 623 7580  
 Fax: +1 206 623 7022  
 Emails: bart.freedman@klgates.com  
 theo.angelis@klgates.com  
 tim.hobbs@klgates.com  
 ben.mayer@klgates.com  
 endre.szalay@klgates.com  
 shelby.stoner@klgates.com

natalie.reid@klgates.com  
courtney.neufeld@klgates.com

*Attorneys for Plaintiffs*

TODD KIM

Assistant Attorney General  
Environment & Natural Resources Division  
U.S. Department of Justice

By: /s/ Devon L. McCune  
Devon L. McCune, Senior Attorney  
CO Bar # 33223  
Natural Resources Section  
999 18th St., S. Terrace, Suite 370  
Denver, CO 80202  
Tel: +1 303 844 1487  
Email: devon.mccune@usdoj.gov

Christopher C. Hair, Trial Attorney  
PA Bar # 306656  
Natural Resources Section  
4 Constitution Square  
150 M Street, NE, Suite 3.1004  
Washington, D.C. 20002  
Tel: +1 202 305 0420  
Email: christopher.hair@usdoj.gov

*Attorneys for Defendants*

**ORDER**

Upon consideration of the Parties' Stipulated Motion for Extension, the Court finds that good cause exists to extend certain deadlines in the current case schedule (Dkt. # 51), and it is hereby **ORDERED** that the Motion is **GRANTED** *nunc pro tunc*.

It is **FURTHER ORDERED** that the current case schedule will be modified as follows:

|  |                |                                      |
|--|----------------|--------------------------------------|
| Plaintiffs shall notify Defendants of any potential deficiencies regarding the Administrative Record                                   | April 7, 2023  | <b><u>April 7 &amp; 19, 2023</u></b> |
| Defendants shall respond to Plaintiffs' notice   | April 14, 2023 | <b><u>May 3, 2023</u></b>            |
| Parties shall meet and confer regarding Administrative Record  | April 21, 2023 | <b><u>May 5, 2023</u></b>            |
| Deadline for Defendants to provide final response regarding potential Administrative Record deficiencies                               | n/a            | <b><u>May 10, 2023</u></b>           |
| Deadline for Plaintiffs to move for relief regarding the Administrative Record (LCR 7(d)(3) shall govern the motion briefing schedule) | May 4, 2023    | <b><u>May 17, 2023</u></b>           |

**IT IS SO ORDERED.**

DATED this 5th day of May, 2023.



Jamal N. Whitehead  
United States District Judge

PRESENTED BY:

K&L GATES LLP

By: s/ Bart J. Freedman

Bart J. Freedman, WSBA # 14187  
Theodore J. Angelis, WSBA # 30300  
J. Timothy Hobbs, WSBA # 42665  
Benjamin A. Mayer, WSBA # 45700  
Endre M. Szalay, WSBA # 53898  
Shelby R. Stoner, WSBA # 52837  
Natalie J. Reid, WSBA # 55745  
Courtney A. Neufeld, WSBA # 60154  
925 Fourth Avenue  
Suite 2900  
Seattle, Washington 98104-1158  
Tel: +1 206 623 7580  
Fax: +1 206 623 7022  
Emails: bart.freedman@klgates.com  
theo.angelis@klgates.com  
tim.hobbs@klgates.com  
ben.mayer@klgates.com  
endre.szalay@klgates.com  
shelby.stoner@klgates.com  
natalie.reid@klgates.com  
courtney.neufeld@klgates.com

*Attorneys for Plaintiffs*